MINUTES

NEVADA STATE BOARD OF OPTOMETRY

REGULAR MEETING

October 17th, 2003 University of Nevada, Las Vegas Meeting Room A, Thomas & Mack Center 4505 Maryland Parkway Las Vegas, Nevada 89154

Dr. Alleman asked for public comment.

Ms. Belz made inquiry regarding an accusation previously considered by the Board.

Dr. Alleman thanked Ms. Belz for her comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 10:00 o=clock A.M. on March 7th, 2003, in Meeting Room A, Thomas & Mack Center, University of Nevada, Las Vegas, 4505 Maryland Parkway, Las Vegas, Nevada.

Identifying themselves as present were:

Kurt G. Alleman, O.D., Board President Brad C. Stewart, O.D., Board Member Jack Sutton, O.D., Board Member George Bean, Board Member Judi Kennedy, Executive Director Tina Leiss, Senior Deputy Attorney General

Also present were:

Linda Meder, Executive Director, Nevada Optometric Association Donald Mazzulla, O.D. Jeanette Belz, Nevada Ophthalomogical Society The minutes of the Board=s August 15th, 2003, meeting were presented for approval.

Dr. Alleman indicated on Page 4, the third line from the bottom, the word Athe@ should be changed to Ahe.@ Dr. Stewart requested the word Aconstantly@ appearing in Line 6 on Page 8 be changed to Arepeatedly.@ Dr. Sutton moved the minutes be approved as amended.

Mr. Bean seconded the motion. The vote was unanimous.

The Board moved to its review and discussion of proposed regulations. Dr. Alleman reminded the members the proposed regulations had been tabled in November, 2002, and the Board was now going to proceed, based in part, on statutory revisions that occurred during the 2003 legislative session.

The Board considered the revision of the regulation relating to certification of optometrists to treat glaucoma. A discussion ensued between the members, Ms. Leiss, and Ms. Kennedy regarding proposed verbiage and changes to the certification form provided to licensees by the Board. It was determined, based on the revisions, that the Board would provide two different forms, one to be submitted, and the other to be retained by the licensee. Ms. Belz, representing the Nevada Ophthalomogical Society offered comment. At the conclusion the discussion, Ms. Kennedy was directed to prepare a draft of the revised language and furnish it to the members of the Board.

The Board next considered revision of the regulation relating to the release of prescriptions for contact lenses. The members, Ms. Leiss, and Ms. Kennedy discussed changes in the language. Ms. Belz, representing the Nevada Ophthalomogical Society offered comment. At the conclusion of the discussion, Ms. Kennedy was directed to prepare a draft of the revised language and furnish it to the members of the Board.

Dr. Alleman thanked Ms. Belz for her comments.

The Board moved to Agenda Item 5, approval of the 2003 Board Newsletter. After discussion, a revision to the language regarding collaboration between optometrists and ophthalmologists was agreed upon, as well correction of two typographical errors. With those changes made, Dr. Sutton moved the Newsletter be approved. Mr. Bean seconded the motion. The vote was unanimous.

Turning to Agenda Item 6, the issue of 2004-05 renewal fees, Ms. Kennedy advised the Board of figures relating to new licensees and the resulting increase of projected revenue to the Board. Dr. Sutton moved the renewal fees for the 2004-05 license year remain unchanged. Mr. Bean seconded the motion. The vote was unanimous.

The Board next considered the October 9th, 2003, correspondence from J. Thomas Susich, Esq., regarding the Accusation of Judi Kennedy vs. Jeffrey D. Ferris, O.D. Dr. Sutton moved Mr. Susich=s request for a continuance of the accusation to the next regular meeting be granted. Mr. Bean seconded the motion. The vote was unanimous.

The Board moved to Agenda Item 8, the Complaint of Phyllis Artz vs. Donald Mazzulla, O.D. Dr. Alleman recounted the contents of the complaint, specifically that Ms. Artz felt the disparity in fees charged by Dr. Mazzulla for insured vs. uninsured patients was unethical. Noting Dr. Mazzulla=s presence, Dr. Alleman asked if he wished to comment. Dr. Mazzulla stated he felt the complaint was frivolous, that Ms. Artz was never his patient, and that Ms. Artz had spoken to a new member of his office staff which may have contributed to her reaching the conclusion that Dr. Mazzulla=s fee structuring was unethical. Dr. Mazzulla opined the director of the Board should be authorized to refuse to accept complaints concerning monetary issues, and/or that people should be advised the Board has no jurisdiction in money matters. Ms. Kennedy responded, stating individuals are advised,

both in the cover letter accompanying the complaint form, and during any phone conversation requesting a complaint form, that monetary relief should be sought through the courts. Ms. Leiss added, based on the statutes, only the Board could determine if a complaint should be dismissed. Dr. Sutton moved the complaint be dismissed for lack of jurisdiction. Mr. Bean seconded the motion. The vote was unanimous.

Ms. Kennedy offered her report. Dr. Stewart moved Ms. Kennedy=s attendance at the FARB convention in February, 2004, be approved. Dr. Sutton seconded the motion. The vote was unanimous.

The Board scheduled its next regular meeting for January 16th, 2004, in Las Vegas, Nevada.

The Board scheduled a regular meeting for March 19th, 2004, in Reno, Nevada.

Dr. Alleman asked for public comment. There was no public comment.

Mr. Bean moved the meeting adjourn. Dr. Sutton seconded the motion. The vote was unanimous. The meeting adjourned at 11:35 a.m.